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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,023	09/29/2003	David W. Pedlar	1578.620 (11157-US-PAT)	4511
44208	7590	02/05/2010	EXAMINER	
DOCKET CLERK Kelly-Krause PO BOX 12608 DALLAS, TX 75225			CASCA, FRED A	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			02/05/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket.clerk@kelly-krause.com  
portfolioprossecution@rim.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,023	<b>Applicant(s)</b> PEDLAR ET AL.	
	<b>Examiner</b> FRED A. CASCA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 28, 2009. Claims 1 and 3-10 are still pending in the present application. **This Action is made FINAL.**

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181).

Referring to claim 1, Kim discloses a method of performing a cell update during a reconfiguration procedure in a user equipment, the user equipment configured for use in a communications system (Figures 2-3 and abstract), the method comprising:

receiving, at the user equipment, a reconfiguration command from the communications system (Fig. 2 and Par. 57, lines 3-13),

the reconfiguration command including an activation time identifying a delay of application of a reconfiguration until the activation time has been reached (Par. 57-59, note that

the reconfiguration command inherently includes an activation time. Further, note that the activation time is an information that includes a time set for that activation to begin. Thus, the waiting time has to be waited for in order to reach an activation time. This waiting time is the delay time. In other words, the waiting time before activation is started is identified as the delay time. Thus, an activation time inherently identifies a delay time where the activation of the application for reconfirmation would not take place until the activation time has reached);

detecting, at the user equipment, a trigger event which indicates that a cell update is required (Par. 59, lines 4-7, "moving from the existing cell to a neighboring cell"); and

Kim does not specifically disclose delaying initiation of the cell update until the reconfiguration has been applied.

Examiner notes that delaying initiation of the cell update until the reconfiguration has been applied is a well known cell update process in 3GPP system as TSGR#2(99)181 discloses this concept (page 1-4, particularly page 3, "The cell update procedure is used by the UE to inform the UTRAN that the UE has switched to a new cell. The procedure is a forward handover procedure . . . the procedure is triggered after change of cell and after the UE has read information broadcasted by UTRAN").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant by incorporating the teachings of TSGR#2(99)181, and consequently providing delaying initiation of the cell update until the

reconfiguration has been applied, for the purpose of providing an efficient cell-selection procedure.

Claims 3, 6 and 8 recite features analogous to the features of claim 1, thus the combination of Kim/TSGR#2(99)181 discloses all elements of claims 3, 6 and 8.

Referring to claims 4 and 9, the combinations of Kim/TSGR#2(99)181 disclose methods according to claims 1 and 3, and further disclose user equipment configured to communicate with a UTRAN in a UMTS communications system, comprising suppressing the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration (Kim, paragraph 6, 27, 75, and TSGR#2(99)181 pages 1-3, note that suppressing the cell update is the delaying process which delays the initiation of the cell update until the reconfiguration has applied, as rejected in claim 1 above (please rejection of claim 1).

Referring to claim 7, the combinations of Kim/TSGR#2(99)181 disclose a user equipment according to claim 6, and further disclose a timer arranged to cooperate with the controller for delaying initiation of the cell update (TSGR#2(99)181, pages 1-3).

**4.** Claims 2, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181) and still further in view of well known prior art (MPEP 2144.03).

Referring to claim 2, the combinations of Longoni/TSGR#2(99)181 disclose the method according to claim 1.

The combinations do not specifically disclose activation time has the value 'Now', applying the reconfiguration as soon as the user equipment is able to do so.

The examiner takes official notice of the fact that activating a cellular equipment as soon as possible after a cell-updating is well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the combinations by incorporating the well known concepts of prior art for the purpose of providing a better service to cell phone users.

Referring to claims 5 and 10, the combinations of Longoni/TSGR#2(99)181 discloses a method according to claims 4 and 9.

The combinations do not specifically disclose suppressing the cell update when the trigger event comprises a radio link failure.

The examiner takes official notice of the fact that suppressing or disabling a cell update during movement of a cellular phone from a current cell to an adjacent cell is well-known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the methods of claims 4 and 9 by incorporating the concepts of prior art for the purpose of preventing packet loss during the link failure.

### ***Response to Arguments***

5. Applicant's arguments filed on April 02, 2009 have been fully considered but moot in view of the new ground(s) of rejection. Specifically, new arguments have been provided in the rejection of new limitations added to the independent claims. Particularly, the examiner asserts that the limitation, "the reconfiguration command including an activation time identifying a delay of application of a reconfiguration until the activation time has been reached", is inherently taught by Kim because a reconfiguration command inherently includes an activation time and the activation time is an information that includes a time set for that activation to begin. Thus, the waiting time has to be waited for in order to reach an activation time. This waiting time is the delay time. In other words, the waiting time before activation is started is identified as the delay time. Thus, an activation time inherently identifies a delay time where the activation of the application for reconfirmation would not take place until the activation time has reached);

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred A. Casca/

Examiner, Art Unit 2617

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617